

UNITED STATES DISTRICT COURT

for the

District of New Jersey

_____ Division

Martina Frasca

) Case No. _____

) (to be filled in by the Clerk's Office)

) Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

) -v-

) Andrew M. Saul

) Defendant

(Write the full name of the current Commissioner of the Social
Security Administration. Do not include address here.)

COMPLAINT FOR REVIEW OF A SOCIAL SECURITY DISABILITY OR SUPPLEMENTAL SECURITY INCOME DECISION

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Martina Frasca
Street Address	16 Speer Avenue, 1st Floor
City and County	Passaic, Passaic County
State and Zip Code	New Jersey 07055
Telephone Number	973-953-6795
E-mail Address	
Last Four Digits of Your Social Security Number <i>(Do not include full number)</i>	2,090

B. The Defendant

Provide the information below for the defendant named in the complaint. Attach additional pages if needed.

Defendant *(The current Commissioner of the Social Security Administration)*

Name	Andrew M. Saul
Street Address	Office of Regional Counsel, 300 Spring Garden Street, 6th Floor
City and County	Philadelphia and Philadelphia County
State and Zip Code	Pennsylvania 19123-2932 <i>(Regional Office of the Social Security Administration General Counsel.)</i>
Telephone Number	(215) 597-3300
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

This is an action seeking court review of a decision of the Commissioner of the Social Security Administration. Jurisdiction for such proceedings can be based on two statutes. If this complaint seeks review of a decision regarding Disability Insurance Benefits under Title II of the Social Security Act, jurisdiction is proper under 42 U.S.C. § 405(g). If this complaint seeks review of a decision regarding Supplemental Security Income under Title XVI of the Social Security Act, jurisdiction is proper under 42 U.S.C. § 1383(c)(3). Please check the type of claim you are filing.

Claim Type	For Clerk's Office Use Only
<input checked="" type="checkbox"/> Disability Insurance Benefits Claim (Title II)	COA: 42:0405id NOS: 864
<input type="checkbox"/> Supplemental Security Income Claim (Title XVI)	COA: 42:1383 NOS: 863/864
<input type="checkbox"/> Child Disability Claim	COA: 42:0405wc NOS: 863
<input type="checkbox"/> Widow or Widower Claim	COA: 42:0405ww NOS: 863

An appeal from a decision of the Commissioner must be filed within 60 days of the date on which you received notice that the Commissioner's decision became final. When did you receive notice that the Commissioner's decision was final? *(This is likely the date on which you received notice from the Social Security Appeals Council that your appeal was denied.)*

June 9, 2020

Please attach a copy of the Commissioner's final decision, and a copy of the notice you received that your appeal was denied from the Social Security Appeals Council.

III. Statement of Claim

Federal courts may overturn decisions by the Commissioner of Social Security only if the decision was not supported by substantial evidence in the record or was based on legal error. Why should this court overturn the Commissioner's decision? *(Check all that apply)*



The Commissioner found the following facts to be true, but these facts are not supported by substantial evidence in the record. *(Explain why the Commissioner's factual findings are not supported by substantial evidence in the record.)*

The Commissioner found that the additional evidence provided, that of the employability evaluation prepared by Occupational Assessment Services, Inc., which was new, material and related back to the time period on or before the date of the hearing decision; did not show a reasonable probability that it would change the outcome of the decision. The Commissioner gave no weight to the treating psychiatrists', Allison Weiner, M.D.'s, records as to her overall residual functional capacity due to her anxiety, depression and selective mutism and other psychological impairments, in which she noted



The Commissioner's decision was based on legal error. *(Identify all legal errors.)*

IV. Relief

State what you want the court to do *(check all that apply)*:



Issue a summons directing the defendant to appear before the court.



Order the defendant to submit a certified copy of the transcript and record, including evidence upon which the findings and decision are based.



Modify the defendant's decision and grant monthly maximum insurance benefits to the plaintiff, retroactive to the date of initial disability.



In the alternative, remand to the defendant for reconsideration of the evidence.



Grant any further relief as may be just and proper under the circumstances of this case.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: 08/07/2020

Signature of Attorney



Printed Name of Attorney

Valeria A. Gheorghiu

Bar Number

042912007

Name of Law Firm

David Tykulsker & Associates

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